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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN BRYAN JOHNSON,

Defendant and Appellant.

E071326

(Super.Ct.Nos. RIF1802781 &
RIF1801071)

OPINION

APPEAL from the Superior Court of Riverside County. Christian F. Thierbach,
Judge. Affirmed.

Lynelle K. Hee, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

I

INTRODUCTION

Pursuant to a negotiated disposition, in case No. RIF1801071, defendant and appellant, Kevin Bryan Johnson, pled guilty to possession of a controlled substance while in a detention center (Pen. Code, § 4573.6).¹ Defendant also pled guilty to second degree burglary (§ 459) in case No. RIF1802781. In return, the remaining allegation in case No. RIF1802781, as well as four unrelated pending cases were dismissed. Defendant was sentenced to eight months in county jail in case No. RIF1802781, a consecutive eight months in an unrelated matter, a consecutive term of 364 days in county jail in another unrelated case, and four years on mandatory supervision in case No. RIF1801071. Defendant appeals from the judgment in both cases. Based on our independent review of the record, we find no error and affirm both judgments.

II

FACTUAL AND PROCEDURAL BACKGROUND²

A. *Case No. RIF1801071*

On October 4, 2017, Riverside County Sheriff's Department Deputy Jacob Hawken was on duty at the Cois Byrd Detention Center when defendant was brought in to be booked. Deputy Hawken advised defendant that a strip search of defendant's body

¹ All future statutory references are to the Penal Code unless otherwise stated.

² The factual background in case No. RIF1801071 is taken from the preliminary hearing. The factual background in case No. RIF1802781 is taken from the felony complaint and defendant's admission at the change in plea hearing.

would be conducted and if defendant did not comply, he would be transported to a hospital for x-rays. Defendant did not comply. As such, Deputy Hawken and another deputy transported defendant to the hospital. When they arrived at the hospital approximately 40 minutes later, Deputy Hawken noticed that defendant's demeanor and appearance had changed. Defendant was sweating profusely, he appeared pale, and was speaking rapidly. Based on his training and experience, Deputy Hawken opined defendant was under the influence of a controlled substance. After defendant was removed from the patrol vehicle, the other deputy found a ripped clear plastic baggie containing methamphetamine in the vehicle. Based on his observation of the baggie, Deputy Hawken believed the baggie had been inside defendant's anal cavity and that was why defendant was refusing to be strip searched at the detention center.

On April 6, 2018, an information was filed charging defendant with possession of methamphetamine while in Cois Byrd Detention Center (§ 4573.6).

B. *Case No. RIF1802781*

On June 12, 2018, defendant entered and attempted to steal a 2004 Chevy Impala without the owner's consent and with the intent to commit a theft.

On June 14, 2018, a felony complaint was filed charging defendant with attempted vehicle theft (Pen. Code, § 664/Veh. Code, § 10851 subd. (a); count 1) and second degree burglary (Pen. Code, § 459; count 2).

C. *Pleas*

On July 30, 2018, the defense and the People reached negotiated dispositions in seven pending cases against defendant. In relevant part, in case No. RIF1801071, defendant pled guilty to possession of methamphetamine while in Cois Byrd Detention Center (§ 4573.6). Additionally, in case No. RIF1802781, defendant pled guilty to second degree burglary (§ 459). In return, defendant was promised an eight-month sentence in county jail in case No. RIF1802781, four years on mandatory supervision in case No. RIF1801071, and dismissal of pending unrelated cases and the vehicle theft charge in case No. RIF1802781. After directly examining defendant, the trial court found that defendant understood the nature of the charges, the consequences of the pleas, and his constitutional rights. The court further found that defendant's pleas were entered into freely and voluntarily and that there was a factual basis for the pleas.

Immediately thereafter, defendant was sentenced in accordance with his plea agreements to eight months in county jail in case No. RIF1802781, a consecutive eight months in county jail in an unrelated matter, a consecutive term of 364 days in county jail in another unrelated case, and four years on mandatory supervision under various terms and conditions in case No. RIF1801071. The pending unrelated cases and the vehicle theft charge in case No. RIF1802781 were dismissed in the interest of justice.

On September 24, 2018, defendant filed an amended notice of appeal in both cases.

III

DISCUSSION

After defendant appealed, upon his request, this court appointed counsel to represent him. Upon examination of the record, counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issue, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, and he has not done so.

An appellate court conducts a review of the entire record to determine whether the record reveals any issues which, if resolved favorably to defendant, would result in reversal or modification of the judgment. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-442; *People v. Feggans* (1967) 67 Cal.2d 444, 447-448; *Anders v. California, supra*, 386 U.S. at p. 744; see *People v. Johnson* (1981) 123 Cal.App.3d 106, 109-112.)

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

IV

DISPOSITION

The judgments in case Nos. RIF1801071 and RIF1802781 are affirmed.

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CODRINGTON
J.

We concur:

MILLER
Acting P. J.

SLOUGH
J.